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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK,	:	
by ANDREW M. CUOMO, Attorney General of	:	
the State of New York, and THE CITY OF NEW	:	
YORK,	:	
	:	
	:	No. 07 Civ. 8434 (GBD)
Plaintiffs,	:	
	:	
- against -	:	
	:	DECLARATION OF
	:	RANDALL M. FOX
MERCK & CO., INC.,	:	
	:	
	:	
Defendant.	:	
-----		X

STATE OF NEW YORK)
 : ss
COUNTY OF NEW YORK)

RANDALL M. FOX, declares as follows:

1. I am a Special Assistant Attorney General in the Medicaid Fraud Control Unit of the Office of the Attorney General of the State of New York, attorneys for the State of New York. I am fully familiar with the facts set forth herein.

2. On October 15, 2007, I sent a letter to counsel for defendant Merck & Co., Inc. (“Merck”), in which I proposed that the parties resolve Merck’s motion for a stay of proceeding by stipulating to a stay of all proceedings other than plaintiffs’ planned motion to remand the case to state court. A copy of my October 15, 2007 letter, including the proposed stipulation, is attached hereto as Exhibit A.

3. On October 16, 2007, Merck’s counsel replied to my October 15, 2007 letter by rejecting the stipulation partially staying the action. A copy the letter from Merck’s counsel is attached hereto as Exhibit B.

4. Attached hereto as Exhibit C is a true and correct copy of a slip opinion issued on May 10, 2006, by the United States District Court for the Western District of Texas in the case captioned *Texas v. Merck & Co.*, No. A-06-CA-232-LY.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

_____/s_____
RANDALL M. FOX

New York, New York
October 18, 2007